

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.C. (OAC) No.3464 of 2014

Sunil Kumar Mishra

.... ***Petitioner***

Mr. S. Behera. Advocate

-versus-

State of Odisha & Others

.... ***Opposite Parties***

Mr. L. Samantaray, AGA

CORAM:
JUSTICE M.S. RAMAN

ORDER

29.04.2022

Order No.

05.

1. This matter is taken up through virtual/physical mode.
2. The Original Application No. 3464 of 2014 was filed before the State Administrative Tribunal, Cuttack Bench, Cuttack. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OAC) No. 3464 of 2014.
3. The Petitioner being sponsored by Odisha Staff Selection Commission joined as Junior Stenographer (ASI-M), Sambalpur on 9th February, 2011 in the office of the Superintendent of Police, Sambalpur. After serving for around three years, he has made a representation to the Chairman of Odisha Staff Selection Committee for re-sponsoring his name for placing him at any other Heads of Department other than Police Department which was turned down by the Odisha Staff Selection Commission vide order dated 17th May, 2014. This refusal is the subject matter of challenge in the present writ petition. A counter affidavit has come to be filed by the

Opposite Party No. 3 supporting the stand of the Staff Selection Commission.

4. Mr. L. Samantaray, Additional Government Advocate has submitted that the Staff Selection Commission after sponsoring the name becomes *functus officio* for reconsideration of selected names particularly when the Petitioner has worked for substantial period of time in the office of Superintendent of Police, where he is posted.

5. Mr. S. Behera, counsel for the Petitioner referred to Paragraph-3 of the counter affidavit and submitted that the Opposite Parties have admitted that the question of transfer of Petitioner to any other place can only be done by appointing Authority/Heads of Department concerned, since, the Administrative power in this regard is vested with the Heads of Department only.

6. Be that as it may, Mr. L. Samantaray, Additional Government Advocate states that during the pendency of the Petition since 2014, certain developments ought to have been occurred to which Mr. S. Behera, counsel for the Petitioner submitted that he does not have up-to-date instruction in this regard.

7. Without entering into the merits of the matter, no fruitful purpose would be served if the matter is kept pending any further; hence, the writ petition is disposed of with liberty to the counsel for the Petitioner to revive the petition within period of 90 days, if any, cause of action still subsists.

(M.S. Raman)
Judge

Laxmikant

